

Quarterly Report
OF THE
ATTORNEY GENERAL
OF
ALABAMA



FOR THE PERIOD

FROM OCTOBER 1, 1977
THROUGH DECEMBER 31, 1977

WILLIAM J. BAXLEY, Attorney General

VOLUME 169

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Q U A R T E R L Y R E P O R T

of the

ATTORNEY GENERAL

of

A L A B A M A

For the Period

From October 1, 1977

Through December 31, 1977

**TO THE STATE, COUNTY, AND MUNICIPAL OFFICERS
OF ALABAMA:**

This Quarterly Report of the Attorney General of Alabama, which includes all official opinions rendered by the Attorney General from October 1, 1977 through December 31, 1977, is published in compliance with the provisions of Title 55, Section 228 Code of Alabama, 1940.

Under this section of the Code, I am required to send seven copies of this Quarterly Report to each judge of probate in the State, and the judge of probate, in turn, is required to deliver one copy each to the clerk of the circuit court, the sheriff, the tax collector, the tax assessor, the county superintendent of education, and the deputy district attorney of his county. The section also requires that I send a copy of this report to each district attorney and the chief executive officer of each incorporated municipality in the State.

The office of the Attorney General is anxious to render prompt and efficient service to the State, County, and municipal officials. If you have any suggestions to make regarding the improvement of the service, I shall be glad to hear from you.

Sincerely,

WILLIAM J. BAXLEY

Attorney General

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October 5, 1977

Mr. Price E. Robinson
Executive Secretary
Alabama Fire Fighters Personnel
Standards and Education Commission
Room 203
513 Madison Avenue
Montgomery, Alabama 36130

Age Discrimination — Title 55, § 373(137)(a), **Code of Alabama of 1940**, as amended (1975 Interim Supp.) providing that thirty-five years is the maximum age at which a fire fighter may be hired is a bona fide occupational qualification. The Alabama Act is not preempted by the Age Discrimination in Employment Act of 1967, 29 U.S.C.S. § 621, et seq. (1975).

Opinion by Assistant Attorney General Farmer

Dear Mr. Robinson:

This is in response to your request of June 15, 1977, for an opinion concerning the age limitation of thirty-five years for recruiting fire fighters created in Title 55, § 373(137)(a), **Code of Alabama of 1940**, as amended, (1975 Interim Supp.)

You have asked the following question:

We feel that age is a bona fide occupational qualification for fire fighters . . . Please advise if this required age would be exempt from the federal Age Discrimination in Employment Act of 1967, 29 U.S.C.S. § 621 et. seq. (1975), under the bona fide occupational qualification defense of § 623(f)(1)?

The Alabama statute in question provides in part:

. . . No city or town shall employ any such applicant who is not on the effective date of this article a fire fighter and who continues until the date of his application as a fire fighter unless such person shall have first submitted to the appointing authority an application for such employment verified by affidavit of the applicant, and showing compliance with the following qualifications:

(a) Age. The applicant shall not be less than 19 nor more than 35 years of age at the time of appointment; provided, however, that for the purpose of calculating his age under this article, the time spent by any applicant on active duty in the armed forces of the United States of America, not exceeding four years, shall be subtracted from the actual age of such applicant who has attained the age of 39 years.

The above provision appears to conflict with the federal age discrimination law, which provides protection against discrimination for persons aged 40 to 65, 29 U.S.C.S. § 631 (1975). The Alabama statute clearly discriminates against persons over 35 years of age who apply to become fire fighters. However, the federal law provides for a complete defense to a charge of age discrimination in Section 623(f):

"It shall not be unlawful for an employer, employment agency, or labor organization —

(1) to take any action otherwise prohibited under subsections (a), (b), (c), or (e) of this section where age is a bona fide occupational qualification reasonably necessary to the normal operation of the particular business, or where the differentiation is based on reasonable factors other than age."

The Fifth Circuit defined the bona fide occupational qualification (BFOQ) defense in *Usery v. Tamiami Trail Tours, Inc.*, 531 F.2d 224 (5th Cir. 1976), where a bus company refused to hire drivers over the age of 40. To be protected under the BFOQ defense, an employer must prove two things; first, he must demonstrate that he has reasonable cause to believe that all or substantially all persons over the age limit could not safely and efficiently perform the job. Even if he cannot carry the above burden, the employer may show that it would be impractical or impossible to test the applicants on an individual basis. He can then apply a reasonable general rule. *Weeks v. Southern Bell Telephone and Telegraph Co.*, 408 F.2d 228 (5th Cir. 1969). Secondly, the employer must demonstrate that the essence of his business would be damaged by hiring people older than the age limit he has created. *Diaz v. Pan American World Airways, Inc.*, 442 F.2d 385 (5th Cir. 1971). If the employer's business affects the safety of third parties, then he may enforce very strict job qualifications to reduce the possibility of danger to the public.

It is the opinion of this office that the Alabama age requirement for fire fighters satisfies the **Weeks-Diaz** test and therefore is a BFOQ which is exempt from the federal Age Discrimination Act. The fire fighter's job is to protect the public from great danger so a stringent job qualification may be created to insure public safety. Moreover, fire fighting is a physically and psychologically demanding job. The changes and loss function brought about by aging occur at different times in different people, and these changes are not easily detectable. Therefore, since it would be impossible to determine the functional age of job applicants reliably enough to insure that the public will be protected, a reasonable chronological age limit may be imposed. Thirty-five years for a new fire fighter is such a reasonable limit. The federal Age Discrimination Act does not take precedence over Title 55, § 373(137)(a).

Very truly yours,
WILLIAM J. BAXLEY
Attorney General

October 28, 1977

Honorable Raymond A. Pierson
Assistant District Attorney
Thirteenth Judicial Court
Mobile County Courthouse
Mobile, Alabama 36602

Conflicts of Interest — Municipalities — Constitutional-
ity — Officers and Offices.

Conflict of interest statutes regarding municipal offi-
cers are constitutional.

Opinion by Assistant Attorney General Knight.

Dear Mr. Pierson:

The Attorney General received your request for an opinion on the following matters:

Are Title 37, Section 108, Title 37, Section 414 and/or Title 41, Section 221(2) of the Alabama Code in violation of the United States and/or Alabama Constitutions and if so please state the grounds for such and if such possible unconstitutionality is per se or only by certain applications of the law(s)?

In your letter you stated that there were demurrers in two cases indicted under Title 37, Section 108, *supra* and Title 37, Section 414, *supra* which alleged that the statutes were vague, indefinite and ambiguous and failed to state sufficient facts to constitute a criminal offense. Thus, you questioned the constitutionality of these sections.

Each of these Code sections prohibits an officer or employee of the municipality from being directly or indirectly interested in any contract for work of materials or the profits thereof, or services to be furnished or performed for the city or town.

The rule prohibiting municipal officers from being interested in such contracts is statutory in many states, but the rule is not dependent of statute. Most courts hold to the principle that no man should be allowed to make a contract with a municipal corporation in which he will pay himself out of the public treasury. *Tuscan v. Smith*, 130 Me. 36, 153 A. 289, 73 A.L.R. 1344; *Minneapolis v. Canterbury*, 122 Minn. 301, 142 N.W. 812.

It is a fundamental rule of law that there is presumption in favor of the constitutionality of a legislative enactment. *Davies Warehouse Co. v. Bowles*, 321 U.S. 144, 88 L. Ed. 635, 64 S. Ct. 474.

Regarding the unconstitutionality of a statute which either forbids or requires the doing of an act because of vagueness and ambiguity, that test laid down by the Courts is whether it is so vague that men of common intelligence must necessarily guess at its meaning and

differ as to its application. **Connally v. General Constructing Co.**, 269 U.S. 385, 70 L. Ed. 322, 46 S. Ct. 126; **Devine v. Wood**, 286 F. S. 102 (M.D. Ala. 1968). The Supreme Court of the United States stated in **Winters v. New York**, 333 U.S. 507, 92 L. Ed. 840, 68 S. Ct. 665 that a penal statute must set up ascertainable standards so that men of common intelligence are not required to guess at its meaning either as to persons within the scope of the act or as to the applicable test to ascertain guilt.

When the above tests are applied to the statutes in question, we see that none of the statutes are so vague that men of common intelligence must guess at their meaning. They set up standards from which it can be clearly ascertainend as to those who come within the scope of the Act and clearly state the applicable test for determining guilt. They give a person within the scope of the statutes fair notice that his contemplated conduct is forbidden.

One may not say that he is being accused under these statutes of doing that which is inherently lawful. In **State v. Homan**, 38 Ala. 642, 92 So. 2d 51 (1957) this principle, along with other facets of the constitutionality of part (3) of Title 41, Section 221, Code of Alabama 1940, was ruled on by the Supreme Court of Alabama. The Court's ruling on whether one was accused for doing that which is inherently lawful under this section may also be applied to Title 41, Section 221(2), supra, and Title 37, Sections 108 and 414 being considered here. The Court said when in absence of other constitutional limitations, standards in a criminal statute are reasonable, and the objects of the statute are defined by a reasonable ascertainable measurement, the accused cannot say he is to be punished for doing that which is inherently lawful. The Court went on to say that these definite and certain boundaries were found in Title 41, Section 221(3). There boundaries are also found in the statutes being considered herein.

Therefore, considering the above-stated principles of law, it is the opinion of this office that the laws considered herein are constitutional.

If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

WILLIAM J. BAXLEY
Attorney General

November 3, 1977

Hon. Edwin A. Strickland
Jefferson County Attorney
213 Courthouse
Birmingham, Alabama 35203

AD VALOREM TAXES—PLANNING AND ZONING

Regional land use development plan adopted by the Birmingham Regional Planning Commission is not legally binding on use of property; therefore, market value of property is not required to be based on use recommended by Commission.

Opinion by Assistant Attorney General Bowden

Dear Mr. Strickland:

Your request for an opinion dated October 24, 1977, reads in pertinent part as follows:

"As you know, Jefferson County, along with the other counties in the State, is in the process of re-appraising all the property in the County for ad valorem tax purposes. Our appraisal contractor is the firm of Cole-Layer and Trumble. Also, as you know, there has been established for the Jefferson County area the Birmingham Regional Planning Commission under the authority of Act No. 584 and Act No. 585 of the Legislature of Alabama, Regular Session, 1963. The staff of the Birmingham Regional Planning Commission is currently proposing for adoption by the Birmingham Regional Planning Commission a Regional Land Use Development Plan. It is my understanding that the proposed Regional Land Use Development Plan includes specific proposals for the future use of property in Jefferson County and that the proposed future use conflicts with the 'highest and best use' of many properties.

It has recently been brought to the attention of the Jefferson County Commission that some property owners are asserting to Cole-Layer and Trumble and the Jefferson County Board of Equalization that the proposed future use of their land as set out in the Regional Land Use Development Plan should be conclusive on or at least a consideration in establishing the value of the property. In other words, some landowners whose property under the Regional Land Use Development Plan is designated for a lower use than the current 'highest and best use' are asserting that said proposed use is evident of a diminished valuation of the property.

Accordingly, I hereby respectfully request, on behalf of the Jefferson County Commission, the Attorney General's Opinion as to the legal effect, if any, of any regional land use development plan adopted by the Birmingham Regional Planning Commission on property values for ad valorem tax purposes."

Act No. 584, supra, in authorizing the establishment of the regional planning commissions, sets out the legal effect of such regional land use plans, in pertinent part as follows:

"Section 1. Definitions . . . (5) 'Advisory planning' shall mean and include continuing and systematic **studies** of the land economics and land policies of a region in terms of social and economic betterment of said region, together with the **submission of interim and final results of said systematic and continuous studies to the governing bodies of constituent governmental units for review, adoption, rejection, or implementation thereof, in whole or in part.** Advisory planning, as herein defined and provided, **shall not be deemed, construed or held to include zoning or any other regulation of the use, disposition, alienation, ownership, improvement or change of any land or any structures thereon within any given region,** whether said regulation be sought to be accomplished by way of ordinance, resolution, rule, regulation, or any other enactment or action of whatsoever kind.

(6) 'Comprehensive advisory planning' shall mean comprehensive **studies** of the present and future development of the land economics and land policies of a region, with due regard to neighboring regions and the state as a whole. Said term may include, but is not limited to, (a) preparation, as a guide for long-range development, of **advisory** general physical plans with respect to the pattern and intensity of land use and the provision of public facilities, including transportation facilities, together with long-range fiscal plans for such development, (b) **advisory** coordination of all related advisory plans and planned activities at both the intragovernmental and intergovernmental levels, and, (c) preparation of **suggested regulatory or administrative measures** in support of the foregoing for submission to the governing bodies of constituent governmental units for review, adoption, rejection or implementation, in whole or in part, as said units may elect." (Emphasis Added)

Act No. 585, supra, in authorizing all planning commissions, planning boards or other planning agencies within the State of Alabama to perform comprehensive advisory planning, provides in pertinent part as follows:

"Section 1 (d) The term 'comprehensive advisory planning' shall mean comprehensive **studies** of the present and future development of the land economics and land policies of a region, with due regard to neighboring regions and the State as a whole. Said term may include, but is not limited to, (a) preparation, as a **guide** for long-range development, of **advisory** general physical plans with respect to the pattern and intensity of land use and the provision of public facilities, including transportation facilities, together with long-range fiscal plans for such development, (b) **advisory** coordination of all related advisory plans and planned activities at both the intragovernmental and intergovernmental levels, and, (c) preparation

of **suggested** regulatory or administrative measures in support of the foregoing **for submission to the governing bodies of constituent governmental units for review, adoption, rejection or implementation, in whole or part, as said units may elect.**" (Emphasis Added)

Additionally, Act No. 1126, Legislature of Alabama, Regular Session, 1969, in further providing for the establishment of regional planning and development commissions, provides in pertinent part as follows:

"Section 5 (5) provide **planning and technical assistance to governmental units** and planning and development agencies within the region and coordinate regional planning activities with those of the State, of governmental units within the region and in neighboring regions, and with the programs of federal departments and agencies and regional commissions;" (Emphasis Added)

A brief review of the foregoing provisions clearly reflects the legislative intent to provide "advisory assistance" to the governing bodies and does not in any way supplant the authority and responsibility of the governmental units for their respective zoning and land planning activities.

It is the responsibility of the appraisers such as Cole-Layer and Trumble to ascertain the current market value of property in the County. Market value is based on the highest and best use of the property. The fact that a planning commission has recommended certain uses for certain parcels of property would not require the appraiser to appraise the property at a value which it would have were it used for that purpose, since the recommendations of the planning commission are not legally binding on the property. In other words, the use recommended by the planning commission cannot be considered to be the highest and best use of the property because said recommendations have no legal effect in and of themselves. Therefore, any regional land use development plan adopted by the Birmingham Regional Planning Commission would have no legal effect on property values for ad valorem tax purposes.

Very truly yours,

WILLIAM J. BAXLEY
Attorney General

November 10, 1977

Honorable Francis Falkenburg, Member
House of Representatives
1612 Lanark Place
Birmingham, Alabama 35223

AD VALOREM TAXES

Section (d) of Amendment 325, Constitution of Alabama, 1901, empowers a taxing authority to reduce all ad valorem taxes levied by it, regardless of when or under what authority said taxes are levied.

Opinion by Asst. Atty. General Bowden

Dear Representative Falkenburg:

In your request for an opinion dated October 31, 1977, you ask several questions concerning Section (d) of Constitutional Amendment 325, which amends Section 217 of the Constitution of Alabama 1901. Section (d) provides in pertinent part that:

"A county, municipality, or other taxing authority may decrease any ad valorem tax rate at any time, provided such decrease shall not jeopardize the payment of any bonded indebtedness secured by such tax."

Your questions, with my response immediately following each question, are as follows:

1. Who is the "taxing authority" referred to in the above-quoted portion of Amendment 325? The taxing authority is the governing body of whatever particular entity is being considered. The Board of County Commissioners of a county, the City Council of a city, and the State Legislature are examples. Of course, each taxing authority may decrease only those taxes which it levies. For instance, a county governing body could not reduce a state tax.

2. Does the taxing authority have authority to "roll back" the taxes provided for in Section 269, Constitution of 1901; or in Amendment 3, Article 19, Sections 1 and 2, Constitution of Alabama, 1901? Amendment 325 provides that the taxing authority may decrease any ad valorem tax rate at any time, provided that such a decrease does not jeopardize any bonded indebtedness. Therefore this question is answered in the affirmative.

3. Does Amendment 325 supersede Amendment 3? Amendment 325, where appropriate, would apply to those taxes levied under Amendment 3, however, Amendment 3 is still in effect.

4. Could a tax imposed for the accreditation of schools such as Birmingham's Amendment 175 be "rolled back"? Amendment 175 authorizes the school districts in Jefferson County to levy a tax subject to the approval of the voters in a referendum. The question to be resolved therefore is whether a taxing authority by virtue of Amendment 325 may reduce a tax which was passed in a referendum. In other words, may said tax be reduced without a referendum? This question is answered in the affirmative. In the absence of a constitutional provision to the contrary, statutes enacted under a referendum

do not have any more force and effect than other legislative acts, and, like other statutes, are subject to repeal, amendment, or change by the legislature (or, in this case, the taxing authority). See C.J.S., Vol. 82, p. 254.

5. In the event that the tax authority may "roll back" these taxes, may it raise the taxes back to the original rate without another referendum? This question must be answered in the negative. Amendment 175 requires that any tax levied under it be approved in a referendum. Once the tax is reduced, both the original tax and its approval by referendum cease to exist. To raise the tax back to its original rate would require a completely new enactment of a statute which would have to be approved by a referendum, as provided in Amendment 175. Additionally, Amendment 325, Section (e) provides:

"Any county, municipality, or other taxing authority may increase the rate at which ad valorem taxes are levied above the limit now provided in the Constitution provided that the proposed increase shall have been (1) proposed by the authority having power to levy the tax after a public hearing on such proposal, (2) thereafter approved by an act of the legislature, and (3) **subsequently approved by a majority vote of the qualified electors of the area in which the tax is to be levied or increased who vote on the proposal.**" (Emphasis added)

6. Does Amendment 325 apply to taxes levied after June 8, 1972, the date that it became effective? Amendment 325 states that any ad valorem tax may be decreased by the taxing authority. Therefore this provision would apply to ad valorem taxes levied after June 8, 1972, as well as to those levied before that date, unless, of course, a new law passed after said date contained wording which would exempt it from the operation of Amendment 325, as provided in Section (f). Other provisions of Amendment 325 contain wording which indicates that said amendment applies to all ad valorem taxes in this state, regardless of when they are levied or under what authority they are levied.

Yours very truly,

WILLIAM J. BAXLEY
Attorney General

November 14, 1977

F. D. Gray, Esq.
Gray, Seay & Langford
P. O. Box 239
Tuskegee, Alabama 36083

Recorder's Court—Attorneys—Conflicts of Interest

The newly effective Code of Alabama 1975 changes the law with respect to municipal court prosecutors and now such prosecutors may represent criminal defendants in other courts.

Opinion by Assistant Attorney General Stephens

Dear Mr. Gray:

In accordance with your request we have reconsidered the opinion which we issued on May 17, 1977 to Mr. Aubrey Ford, Jr. of your firm which stated that Title 13, Section 243(1), Code of Alabama 1940, Recompiled 1958, prohibited a municipal court prosecutor from representing criminal defendants in other courts in this state. Upon review of that opinion, I still believe it to be a correct statement of the law as it then existed. However, since the issuance of that opinion the newly enacted Code of Alabama 1975 has become effective and that Code substantially changes the law with respect to municipal prosecutors.

Title 13, Section 243(1), Code of Alabama 1940, Recompiled 1958 provided:

"§243(1). Representing defendants charged with criminal offenses.—Any deputy solicitor, county solicitor, or solicitor of a law and equity court or inferior court, who acts as attorney for, represents, or defends any defendant charged with a criminal offense of any kind or character in any court, state, county, municipal or federal, in this state shall be guilty of a misdemeanor and upon conviction must be fined not less than one hundred dollars nor more than one thousand dollars."

The corresponding section of the newly effective Code of Alabama 1975 is Section 12-17-195 and, by contrast, it provides:

"§12-17-195. Assistant district attorneys representing defendants charged with criminal offenses.—Any assistant district attorney who acts as attorney for, represents or defends any defendant charged with a criminal offense of any kind or character in any court, state, municipal or federal, in this state, shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$100.00 nor more than \$1,000.00."

It can readily be seen that the new Code deletes any reference to municipal court prosecutors and confines its application to assistant district attorneys. The new Code became effective October 31, 1977 and, therefore, this previous provision of law no longer prohibits a municipal prosecutor from representing criminal defendants in other courts in this state. Of course, there may be particular cases in which a prosecutor has a conflict of interest and the prosecutor should con-

sult the Code of Professional Responsibility and other state conflicts of interest laws for their application to particular cases.

Sincerely,

WILLIAM J. BAXLEY
Attorney General

November 18, 1977

Mr. Allen L. Tapley
Administrative Director of Courts
Department of Court Management
817 South Court Street
Montgomery, Alabama 36130

Courts—Bailiffs—Jury Commissions

Compensation of bailiffs and jury commissions discussed.

Opinion by Assistant Attorney General Stephens

Dear Mr. Tapley:

Your recent letter raised two questions with respect to the effect of the application of the Code of Alabama 1975 to the state's court system. First you note that the Department of Court Management has been compensating bailiffs pursuant to the presumed authority of Section 7-101, Act No. 1205, Acts of Alabama 1975, Regular Session, incorporated as Section 12-17-1, Code of Alabama 1975, but that Section 12-17-311, Code of Alabama 1975, provides for bailiffs to be compensated by the respective counties. With respect to this you ask:

"Does Section 12-17-311 of Title 12 of the 1975 Code of Alabama supersede provisions of Act No. 1205, supra, so that the compensation of bailiffs rests with the respective counties?"

Secondly, you note that you have been compensating jury commissions pursuant to Section 16-103(b)(2), of Act No. 1205, which now appears in the Code of Alabama 1975 as Section 12-19-3(2)(b) and pursuant to an Attorney General's opinion dated September 12, 1977 but that Sections 12-16-34 and 12-16-37, Code of Alabama 1975 appear to require the counties to compensate jury commissions. With respect to this you ask:

"Are the expenses, including, but not limited to salaries, now a financial obligation of the respective counties?"

With respect to your first question, it is my opinion that the counties are required to provide compensation for bailiffs only until Sep-

tember 30, 1978 after which time the state shall assume the responsibility for compensating bailiffs. Section 12-17-1, Code of Alabama 1975 provides generally that all full-time court personnel shall become employees of the state but the specific provision of Section 12-17-311, Code of Alabama 1975 with respect to bailiffs, must be considered to be an exception to the more general provision. However, Section 12-17-311 only specifically provides that the counties shall pay compensation for bailiffs until September 30, 1978. Section 12-17-311 does not clearly specify who shall provide compensation for bailiffs after September 30, 1978 and, consequently, the general provision of Section 12-17-1 must then be given effect and the state should assume the expense of compensating bailiffs after September 30, 1978.

With respect to your second question, it is my opinion that the state should continue to provide compensation for jury commissions. As you have noted in your letter Section 12-19-3(2)(b), Code of Alabama 1975 provides that the state shall assume the obligation of compensating jury commissions but Sections 12-16-34 and 12-16-37, Code of Alabama 1975, provide for jury commission compensation to be paid by the counties. There is thus a direct conflict between these provisions of the new Code. It is my opinion that Section 12-19-3(2)(b) being the most recent enacted provision of law correctly states the legislative intent with respect to the compensation of jury commissions and it is thus my opinion that this section should prevail and the state should continue to bear expenses for jury commissions.

Sincerely,

WILLIAM J. BAXLEY
Attorney General

November 18, 1977

Honorable James Record
Chairman

Madison County Commission
Madison County Courthouse
Huntsville, Alabama 35801

Judicial Article—Department of Court Management—
Expenses

On January 16, 1977, all county-owned equipment and furniture used by Circuit Judges became the property of the State.

Opinion By Assistant Attorney General Robinson

Dear Sir:

In your recent letter to this office, you requested our opinion

concerning the proper disposition of equipment acquired pursuant to Act No. 603, Acts of Alabama, Regular Session, 1976. Act No. 603, supra, reads, in pertinent part, as follows:

"Section 1. Each of the circuit judges of the Twenty-third Judicial Circuit of this state shall receive an annual expense allowance for meals, travel, and lodging expenses incurred by that official while attending meetings and conferences intended to promote the skill and competence of the circuit judges, for educational programs designed to inform circuit judges, for professional dues and assessments, professional journals, books and equipment provided, however, that the expenditures hereby authorized shall not exceed \$1,500 per circuit judge and shall be paid out of the county general fund. Such expenses shall be in addition to any other salary, compensation, or allowance provided for by law to such circuit judges."

Section 12-19-9(a)(1), Code of Alabama, 1975, reads as follows:

"(1) On January 16, 1977, all county-owned equipment and furniture used by circuit judges and district judges, formerly judges of the courts of the county, other than that used by judges of probate and municipal courts, shall become the property of the state; and"

It is, therefore, my opinion that equipment acquired pursuant to Act No. 603, supra, became the property of the State of Alabama on January 16, 1977.

You also requested our opinion concerning the legality of the Madison County Commission paying a judge's dues in the National Rehabilitation Association under Act 603, supra. This act authorizes the Madison County Commission to pay dues in professional organizations. It is my opinion that this statute applies only to dues in those professional organizations which are concerned with the legal profession. Therefore, Madison County may not pay the membership dues of a circuit judge in the National Rehabilitation Association.

You stated in your request letter that you are often called upon to reimburse judges for travel expenses and purchases of various supplies, but that the judges do not furnish copies of invoices or other data which support the expenses or purchases. The judges do give their personal statement that they paid out the money. It is my opinion that the judges must furnish you with an itemized statement of all travel expenses and purchases of supplies before these items can be reimbursed. All public officials and employees are required to maintain proper documentation of expenditures for audit purposes.

If I may be of any further assistance to you regarding this matter, please do not hesitate to contact me.

Very truly yours,

WILLIAM J. BAXLEY
Attorney General

December 16, 1977

Honorable James Record
Chairman

Madison County Commission
Madison County Courthouse
Huntsville, Alabama 35801

Counties—Local Laws—Publication

Counties are only required to pay for advertising local bills which may be introduced in the Legislature by a member of the Legislature from the county and which advertisement is placed by such member of the Legislature.

Opinion by Assistant Attorney General Stephens

Dear Mr. Record:

Your recent letter states that non-members of the State Legislature have arranged to have proposed local legislation advertised in the local newspapers and have asked the county to pay for these advertisements. Consequently, you have asked whether the county commission is required to pay the costs for publishing these notices of local legislation which have been placed by persons other than your local legislators.

It is my opinion that the county commission is not required to pay the costs of publishing such notices. Section 106 of the Constitution of Alabama requires that notice of proposed local legislation be published in a local newspaper but the Constitution makes no provision for payment for that publication. The only provision of our law which requires payment for publication of such notices is contained in Code of Alabama 1975, Section 11-13-6. This section provides:

"§11-13-6. Payment of cost of advertising local bill introduced in legislature. The county commission shall pay from the county treasurer, at the regular legal rate, the cost of the advertising of notice and substance of all local bills which may be introduced in the legislature by any member of the legislature from the county, if the notice is signed by any such member, whether such bill is passed by the legislature or not.

If the bill is for the benefit of or in reference to subjects or matters exclusively relating to one or more municipalities in the county, the municipality or municipalities shall reimburse the county for the cost of such advertising. If two or more municipalities are liable to reimburse the county for the cost of advertising the same bill, each municipality shall pay to the county an amount which bears the same ratio to the total cost of advertising as such municipality's population bears to the total population of all the municipalities affected by the bill."

This section clearly seems to contemplate that the county commission shall pay only for those notices placed by a member of the Legislature from the county. There is no provision of law requiring the county to pay the costs of publishing notices placed by any other individuals.

Sincerely,

WILLIAM J. BAXLEY
Attorney General

December 28, 1977

Honorable Patrick H. Tate
DeKalb County Attorney
DeKalb County Courthouse
Fort Payne, Alabama 35967

Mines and mining, roads and highways, right-of-ways.
County Commission's authority to regulate core drilling
on public right-of-way.

Opinion by Assistant Attorney General Caddell

Dear Mr. Tate:

This is in reply to your request for an official opinion of the Alabama Attorney General upon the following question:

The DeKalb County Commission has requested that I write you concerning a certain activity presently occurring in DeKalb County. As you are probably aware, DeKalb County has been the site of recent coal mining activities and several members of the County Commission have had complaints from citizens of the county along the right-of-ways of the State and County Roads and that these coal companies had damaged drain tiles, covered head walls and numerous other highway drain facilities existing along these right-of-ways.

The DeKalb County Commission and State Highway Department have not given their permission to these mining companies to conduct these core drilling operations. The Commission has requested that I obtain from you an opinion as to

what authority, if any, they have to regulate the activities carried along the right-of-way of these roads.

Let me emphasize that the drilling activities are occurring off of the road bed and on the highway right-of-ways. These right-of-ways vary in width depending upon the type of highway involved, i.e., federal highways, farm to market roads, state highways and unpaved county roads. The local State Highway Department officials have joined with the Commission in their request for an opinion from your department.

It is our opinion the definition of highways and public roads include not only the paved portion of the road, but the right-of-way along both sides of the paved road. The **Code of Alabama 1975**, §32-1-1(12) concerning Motor Vehicles and Traffic defines the term "highway" to include the "full width of the right-of-way of any public road". Nevertheless, while this definition is for the purpose of Title 32, we believe the legislature intended the terms "highways and public roads", as used in Title 23, should also include the full width of the right-of-way.

This being the case, County Commissions can promulgate rules and regulations pursuant to §23-1-80 to "maintain a good system of public roads . . . and regulate the use thereof", thereby regulating the core drilling activities occurring along the right-of-ways of public roads. Alternatively, the County Commission could seek relief through §23-5-1(4) **Code of Alabama 1975**, which makes it a misdemeanor to "willfully injure or obstruct any public road in any way".

We hope these comments have adequately addressed your question. Please do not hesitate to consult with the Attorney General's Office about such matters in the future.

Sincerely,

WILLIAM J. BAXLEY
Attorney General

INFORMAL OPINIONS

During the period October 1, 1977 through December 31, 1977, the Attorney General rendered the following informal opinions.

Subject	Addressee	Date	File
— A —			
ABSENTEE BALLOTS			
Board of Registrars—In Lieu of Registrars in Chancery	Ann Bell	Dec. 2	73
AD VALOREM			
Ad Valorem taxation—Nonprofit Organizations	Jean B. Crane	Dec. 16	202
Homestead Exemption—Barns and Sheds	Mrs. Bobbie Reynolds	Nov. 8	24
Homestead Exemption—Military Personnel—Auto Tags	Mike Bellamy	Nov. 15	27
AERONAUTICS DEPARTMENT			
Personal Airfields—Use of	James Rowe	Oct. 14	Aeronautics Dept.
AGE OF MAJORITY			
Auctioneer's License—Age 19	John A. Horton	Oct. 24	Auctioneers Bd.
AIRPORTS			
Personal Airfields—Use of	James Rowe	Oct. 14	Aeronautics Dept.
ALABAMA COMMISSION ON HIGHER EDUCATION			
A.C.H.E. Director—Housing Allowance	G. Sage Lyons	Dec. 22	A.C.H.E.
Housing Allowance—A.C.H.E. Executive Director	G. Sage Lyons	Oct. 28	A.C.H.E.

ALABAMA RULES OF**APPELLATE PROCEDURE**

Clerk—Change of Venue

J. Dawson Britton

Dec. 9

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ALABAMA STATE FAIR AUTHORITY

Competitive Bids—Public Agency

J. Richmond Pearson

Dec. 19

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APPROPRIATIONS

Tannehill State Park—Appropriation

James R. Bennett

Nov. 7

20

ARMORY COMMISSION

Act 801—Pay Raises—Armory Commission

James R. Raiford

Nov. 1

Finance Dept.

ATTORNEYS

Deputy Recorder—Not

Represent Defendants

Attorney's Fees—City Officials

M. D. Bennefield

Oct. 11

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Jimmy F. Carnes

Nov. 23

35

AUBURN, CITY OF

Auburn City Council—Sunshine Law

William H. Allen, Jr.

Nov. 18

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AUCTIONEERS, BOARD OF

Auctioneer's License—Age 19

John A. Horton

Oct. 24

Auctioneer's Bd.

AUTOPSY

Autopsy Examinations—Consent Required

Sara Jo Daniel

Nov. 22

58

— B —

BAILIFFSState may provide compensation
for bailiffs

Allen L. Tapley

Dec. 27

Court Mgt.

Subject	Addressee	Date	File
BALDWIN COUNTY			
Gulf Shores—Legal Notices	Lois Gale Walker	Oct. 5	22
Public Records—Microfilming	Clarence Bishop	Dec. 13	204
BEAR CREEK DEVELOPMENT AUTHORITY			
Bear Creek Authority—Utility Tax— Not Exempt	Dorothy Harris	Nov. 28	45
BINGO			
Bingo—Gaming and Lotteries	Fred B. Simpson	Dec. 22	75
BOARDS OF EDUCATION			
Board of Education—Leaves County—Vacates Office	J. Murray King	Oct. 31	16
City Councilmen—Boards of Education—Residency	Thomas R. Shelton	Oct. 6	31
School Fees—Elective Courses— Restricted Use	Paul R. Hubbert	Nov. 18	Tenure Comm.
School Board of Trustees—Principal	Ben Jones	Dec. 29	94
BOARDS OF REGISTRARS			
Board of Registrars—County Commission Pays Clerk	Walter J. Merrill	Dec. 21	30
Board of Registrars—In Lieu of Registrars in Chancery	Ann Bell	Dec. 2	73
BONDS			
Utility Board—City of Mobile— Bond Issuance	J. M. Druhan	Dec. 9	49

BULLOCK COUNTY

Local Legislation—Newspaper
Notice—Payment

Louis C. Rutland

Dec. 16

52

— C —**CABLE TELEVISION**

Cable TV Commission—Birmingham—
Not Office of Profit

David Rockwell

Oct. 24

11

CALHOUN COUNTY

Calhoun County—Salary
Increase Approval

Walter J. Merrill

Nov. 2

30

CHILD SUPPORT

Custody of Minor Child—URES A action
Juvenile Court—Child Support

Walter B. Chandler, III
Michael V. Rasmussen

Dec. 14
Dec. 14

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CIRCUIT CLERKS AND REGISTERS

Circuit Clerks—Expenses—
Opinion Withdrawn
City Recorder—Two Offices
Clerk's Fee—Game and Fish Violations

Allen L. Tapley

Dec. 5

Court Mgt.

John L. Knowles

Oct. 19

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William H. Lumpkin

Dec. 16

55

CIVIL DEFENSE DEPARTMENT

Bid Law—Emergency—Opelika

C. J. Sullivan

Dec. 1

Civil Defense

CLEBURNE COUNTY

Board of Registrars—County
Commission Pays Clerk

Walter J. Merrill

Dec. 21

30

COLLEGES AND UNIVERSITIES

Wallace Community College—

James C. Bailey

Oct. 18

9

Subject	Addressee	Date	File
Property—Recreation Project Autopsy Examination—Consent Required	Sara Jo Daniel	Nov. 22	58
COMPENSATION			
Housing Allowance—A.C.H.E.— Executive Director	G. Sage Lyons	Oct. 28	A.C.H.E.
Housing Allowance—Teacher's Retirement	Woodfin Patterson	Oct. 25	36
Physical Therapy Board—Fee by Statute	Elizabeth L. Bostick	Nov. 9	Physical Therapy Bd. 78
Land Inspectors—Law Enforcement Officers	Bobby Tom Crowe	Dec. 21	78
Utilities Board Members—Compensation	B. Don Hale	Dec. 1	108
COMPETITIVE BID LAW			
Change Order—Geneva City School	Wynnton Melton	Nov. 23	34
Bid Law—Emergency—Opelika	C. J. Sullivan	Dec. 1	Civil Defense 64
Competitive Bids—Not Required for Computer Programmer	Richard H. Ramsey, III	Dec. 16	64
Competitive Bids—Public Agency	J. Richmond Pearson	Dec. 19	71
COMPUTERS			
Competitive Bids—Not Required For Computer Programmer	Richard H. Ramsey, III	Dec. 16	64
CONDEMNATION			
Condemnation—Manufacturer— Rights of Way	Julian D. Butler	Nov. 14	26
CONFLICTS OF INTEREST			
City Judge—Relative on Council Assistant District Attorney—	Hugh Allen Ernest G. Hester	Nov. 2 Dec. 9	32 51

Municipal Judge	James D. Evans	Dec. 20	53
Special Assistant Attorney General—City Recorder			
City Council member may serve on personnel board—Merit Systems—Conflicts of Interest—Municipalities	Marion B. Harding	Dec. 22	358
CONSERVATION DEPARTMENT			
Wallace Community College—Property—Recreation Project	James C. Bailey	Oct. 18	9
Minimum Standards Act—Grandfather Clause—Mine Foreman	William H. Atkinson	Nov. 4	42
ARA Contract—State Parks	John Hodnett	Dec. 22	Conservation Dept.
Land Inspectors—Law Enforcement Officers	Bobby Tom Crowe	Dec. 21	78
CONSTABLES			
Dual Officeholding—Constables—Office Space Management	Don J. Gilbert	Nov. 22	Governor's Office
CONSTITUTIONAL AMENDMENTS			
Elmore County—Tax Collector/Assessor—Referendum	William B. Dunn	Oct. 12	17
CONTRACTS			
Water and Sewer Board—Franchises	Joe H. Little, Jr.	Oct. 4	193
Solid Waste Disposal—Contract Extension	Fred D. Gray	Oct. 14	7
Construction Contract—Change Order—Birmingham	Wilmer S. Cody	Oct. 14	8
County Contract—City Fire Protection	Bruce Gargis	Oct. 14	29
Change Order—Geneva City School	Wynnton Melton	Nov. 23	34

Subject	Addressee	Date	File
Board of Corrections—Lease	Judson C. Locke, Jr.	Nov. 30	Bd. of Corr.
Purchase—Housing			
Finance Department—Computer—	Tom J. Ventress	Dec. 1	Finance Dept.
Lease—Purchase			
Court Management—Privately Owned	Allen L. Tapley	Nov. 21	Court Mgt.
Equipment—Cannot Maintain			
ARA Contract—State Parks	John Hodnett	Dec. 22	Conservation Dept.
CORONER			
Coroner—Removal of Deceased's Body	George E. Moore	Dec. 20	200
CORPORATIONS			
Industrial Development Stock—	Jimmy Faulkner	Oct. 19	15
Appraised Value			
CORRECTIONS, BOARD OF			
Board of Corrections—	Judson C. Locke, Jr.	Nov. 30	Bd. of Corr.
Lease—Purchase—Housing			
COSMETOLOGY, BOARD OF			
Cosmetology Board—Title 46 §64(40)	Billie K. Jehle	Oct. 31	Cosmetology Bd.
COSTS AND FEES			
Costs and Fines—Judicial Article	Jackson W. Stokes	Oct. 17	316
COUNTIES			
Public Sewer Boards—	Tommy Ed Roberts	Oct. 11	6
Established by County			
Assistant District Attorney—	John D. Whetstone	Oct. 21	Prosecution Serv.
Compensation by County			
County Contract—City Fire Protection	Bruce Gargis	Oct. 14	29

County Funds—Recreation Programs—Cities	Walter J. Merrill	Oct. 11	30
County Hospital Boards—No County or City Officials	Don Priori	Nov. 22	39
Public Records—Microfilming	Clarence Bishop	Dec. 13	204
Private Day Care Center—No County Funds	David L. Burt, Jr.	Nov. 18	43
Board of Registrars—County Commission pays Clerk	Walter J. Merrill	Dec. 21	30
County Funds—Regional Juvenile Center—Courts	William H. Lumpkin	Nov. 29	55
Competitive Bids—Not required for Computer Programmer	Richard H. Ramsey, III	Dec. 16	64
County Repair Roads—Within City	Aubrey Lee Watson	Nov. 2	74
Sheriff's Department—Uniforms	Roy C. Snead	Dec. 9	197
Deputy Sheriffs—Russell County	Howard Lake	Dec. 29	198
Counties—Use of county equipment for private work	Louis C. Rutland	Dec. 21	52
County may provide funds for juvenile court purposes—Judicial Article—Counties—Funds	Pelham Ferrell	Oct. 27	13
COURT MANAGEMENT, DEPARTMENT OF			
Court Management—Privately Owned Equipment—Cannot Maintain Circuit Clerks—Expenses—Opinion Withdrawn	Allen L. Tapley	Nov. 21	Court Mgt.
	Allen L. Tapley	Dec. 5	Court Mgt.
COURTS			
Recorder's Court—Municipalities	J. H. Summerlin	Nov. 23	345

Subject	Addressee	Date	File
Courts—Dual Officeholding			
Court Personnel—State Health Insurance	D. L. Cockrell	Oct. 21	25
Assistant District Attorney— Municipal Judge	Ernest G. Hester	Dec. 9	51
Clerk—Change of Venue	J. Dawson Britton	Dec. 9	196
CULLMAN, CITY OF			
Utilities Board Members—Compensation	B. Don Hale	Dec. 1	108
	— D —		
DEEDS AND MORTGAGES			
Contracts of Sale—Subject to Deed and Mortgage Tax	Bobby Day	Dec. 29	47
DISTRICT ATTORNEYS			
Assistant District Attorneys— Compensation by County	John D. Whetstone	Oct. 21	Prosecution Serv.
Assistant District Attorney— Municipal Judge	Ernest G. Hester	Dec. 9	51
DISTRICT ATTORNEY'S FUND			
Clerk's Fee—Game and Fish Violations	William Lumpkin	Dec. 16	55
DOCKET FEES			
Clerk's Fee—Game and Fish Violations	William Lumpkin	Dec. 16	55
DORA, TOWN OF			
Change of Government—Dora	Stanley A. Wade	Dec. 28	57
DUAL OFFICEHOLDING			
Recorder's Court—Municipalities—	J. H. Summerlin	Nov. 23	345

Courts—Dual Officeholding	David Rockwell	Oct. 24	11
Cable TV Commission—Birmingham— Not Office of Profit			
Dual Officeholding—Constables— Office Space Management	Don J. Gilbert	Nov. 22	Governor's Office

— E —

EDUCATION

Wallace Community College— Property—Recreation Project	James C. Bailey	Oct. 18	9
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ELBA, CITY OF

Board of Adjustment—Zoning Ordinance	Robert Folsom	Dec. 7	209
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ELECTIONS

Municipalities—Elections	Kathleen M. Warren	Dec. 6	207
Change of Government—Dora	Stanley A. Wade	Dec. 28	57
Board of Registrars—In Lieu of Registrars in Chancery	Ann Bell	Dec. 2	73

ELMORE COUNTY

Elmore County—Tax Collector/ Assessor—Referendum	William B. Dunn	Oct. 12	17
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EMPLOYERS, EMPLOYEES

City officers should be given hearing before permanently discharged— Municipalities—Employers and Employees	Jimmy E. Spivey	Sept. 28	420
Pay Rate Increase—Governing Body Approval Necessary	Mary L. Potter	Oct. 29	252
City pay insurance on retirement	Kathleen M. Warren	Dec. 17	207

Subject	Addressee	Date	File
of employees—Municipalities— Employers and Employees Leave Transfer—Merit System	George M. Phyfer	Oct. 19	Youth Serv. Dept.
State Employee—County Job City of Montgomery— Parks and Recreation Dept.	Wayne D. Thorn Emory Folmar	Oct. 12 Nov. 7	Funeral Serv. Bd. 21
Dual Officeholding—Constables— Office Space Management	Don J. Gilbert	Nov. 22	Governor's Office
Personnel Department— Employment Exams—Tie Score	J. S. Frazer	Dec. 27	Personnel Dept.
Sick Leave Benefits—Phenix City	Charles E. Floyd	Dec. 8	65
ETHICS COMMISSION Ethics Commission— Anonymous Complaints	Melvin G. Cooper	Oct. 11	Ethics Comm.
EXCISE TAX Bear Creek Authority— Utility Tax—Not Exempt	Dorothy Harris	Nov. 28	45
EXEMPTIONS Homestead Exemption—Barns and Sheds Bear Creek Authority— Utility Tax—Not Exempt Ad Valorem Taxation— Nonprofit Organization	Mrs. Bobbie Reynolds Dorothy Harris Jean B. Crane	Nov. 8 Nov. 28 Dec. 16	24 45 202
EXPENSES Per Diem Expenses—State Contractors	Jack E. Worthington	Oct. 11	Medical Serv. Adm.

Circuit Clerks—Expenses— Opinion Withdrawn Hospital—Expenses	Allen L. Tapley	Dec. 5	Court Mgt.
	Jack Martin Baines	Dec. 16	329
-- F --			
FEES Judicial Article—Cost and Fees— Courts—Peace Officers Fund School Fees—Elective Courses— Restricted Use	B. G. Bryant	Nov. 2	343
	Paul R. Hubbert	Nov. 18	Tenure Comm.
FILING TAX Contracts of Sale—Subject to Deed and Mortgage Tax	Bobby Day	Dec. 29	47
FINANCE, DEPARTMENT OF Act 601—Pay Raises—Armory Commission Finance Department—Computer— Lease—Purchase	James R. Raiford Tom J. Ventress	Nov. 1 Dec. 1	Finance Dept. Finance
FIRE FIGHTERS County Contract—City Fire Protection Paramedics—Licensing and Regulations Volunteer Fire Department—Fund Raising	Bruce Gargis Price E. Robinson James S. Sledge	Oct. 14 Dec. 20 Dec. 20	29 Firefighters Per- sonnel Standards 195
FIRE MARSHALS Subsistence Allowance— State Fire Marshals	Roy McLellan	Oct. 25	97
FORESTRY COMMISSION Forestry Commission—Law Enforcement	C. W. Moody	Oct. 6	Forestry Comm.

Subject	Addressee	Date	File
FUNDS			
Expend funds to improve water main—			
Municipalities—Funds	Willard Pienzeza	Dec. 8	113
County Funds—Recreation	Walter J. Merrill	Oct. 11	30
Programs—Cities			
Private Day Care Center—	David L. Burt, Jr.	Nov. 18	43
No County Funds			
A.C.H.E. Director—Housing Allowance	G. Sage Lyons	Dec. 22	A.C.H.E.
Water Board—Loan of City Funds	M. C. Hollis, Jr.	Dec. 19	54
Volunteer Fire Department—	James S. Sledge	Dec. 20	195
Fund Raising			
Sheriff's Department—Uniforms	Roy C. Snead	Dec. 9	197
County may provide funds for juvenile	Pelham Ferrell	Oct. 27	13
court purposes—Judicial Article—			
Counties—Funds			
Municipal Funds—Private Streets	L. W. Sanderson	Dec. 14	208
Gasoline Tax—Separate Fund	Mrs. Murrel F. Harbin	Dec. 6	201
FUNERAL SERVICE, BOARD OF			
State Employee—County Job	Wayne D. Thorn	Oct. 12	Funeral Serv. Bd.
State Salary Increase—Non Merit System	Wayne D. Thorn	Oct. 12	Funeral Serv. Bd.
— G —			
GADSDEN, CITY OF			
Municipalities—Elections	Kathleen M. Warren	Dec. 6	207
GAME AND FISH			
Minimum Standards Act—Grandfather	William H. Atkinson	Nov. 4	42
Clause—Mine Foreman			

GAMING AND LOTTERIES

Pinball Machines—Legality
Bingo—Gaming and Lotteries

Jimmy Evans Dec. 27 66
Fred B. Simpson Dec. 22 75

GASOLINE FUND

Gasoline Fund—Not for Water Board
Gasoline Tax—Separate Fund
State-shared gasoline tax—Municipalities

J. W. Donahoe No. 9 38
Mrs. Murrel F. Harbin Dec. 6 201
Janice L. Gurley Oct. 27 234

GOVERNOR'S OFFICE

Governor—Rewards

Curtis C. Reding Dec. 29 Governor's Office

GREENE COUNTY

Greene County—Prior Service
Error—County Pays

William M. Branch Nov. 4 12

GREENE COUNTY GREYHOUND PARK

Greene County Greyhound Park—
Unemployment Compensation

Paul W. Bryant, Jr. Dec. 13 50

GREENE COUNTY RACING COMMISSION

Greenetrack—Treasurer

William M. Branch Oct. 25 12

— H —

HEARING AID DEALERS, BOARD OF

Board Members—Monies Received

K. Louis Azar Oct. 11 Heading Aid Bd.

HOMESTEAD EXEMPTIONS

Homestead Exemptions—Barns and Sheds
Homestead Exemptions—Military
Personnel—Auto Tags

Mrs. Bobbie Reynolds Nov. 8 24
Mike Bellamy Nov. 15 27

Subject	Addressee	Date	File
HOSPITALS			
County Hospital Boards— No County or City Officials	Don Priori	Nov. 22	39
Autopsy Examinations—Consent Required	Sara Jo Daniel	Nov. 22	58
County Hospital Mortgage— Mortgage Privilege Tax	R. J. Stenbridge	Dec. 29	199
Hospital Board may not institute expense allowance—Hospitals—Expenses	Jack M. Baines	Dec. 16	329
HOUSTON COUNTY			
County Hospital Mortgage— Mortgage Privilege Tax	R. J. Stenbridge	Dec. 29	199
— I —			
INDIGENTS			
Indigents—Fair Trial Tax Fund	Allen L. Tapley	Dec. 7	Court Mgt.
INDUSTRIAL DEVELOPMENT BOARDS			
Industrial Development Stock— Appraised Value	Jimmy Faulkner	Oct. 19	15
INSURANCE			
Court Personnel—State Health Insurance	D. L. Cockrell	Oct. 21	25
Liability Limitation—Insurance	James S. Satterfield	Dec. 29	81
Subsistence Allowance—State Fire Marshals	Roy McLellan	Oct. 25	97
City pay insurance on retirement of em- ployees—Municipalities—Employers and Employees	Kathleen M. Warren	Dec. 14	207

INTERNAL REVENUE SERVICE			
Retirement Systems—Internal Revenue— Notice of Levy	David G. Bronner	Nov. 3	Retirement Systems
JACKSONVILLE, CITY OF			
City Councilmen—Boards of Education— Residency	Thomas R. Shelton	Oct. 6	31
JEFFERSON COUNTY			
Court Personnel—State Health Insurance	D. L. Cockrell	Oct. 21	25
JUDGES			
District Judge—City Court Judge	Allen McNees	Oct. 4	3
Assistant District Attorney— Municipal Judge	Ernest G. Hester	Dec. 9	51
JUDGMENTS			
Attorney's Fees—City Officials	Jimmy F. Carnes	Nov. 23	35
JUDICIAL ARTICLE			
Indigents—Fair Trial Tax Fund	Allen L. Tapley	Dec. 7	Court Mgt.
State may provide compensation for bailiffs	Allen L. Tapley	Dec. 27	Court Mgt.
District Judge—City Court Judge	Allen McNees	Oct. 4	3
Juvenile Court—No City Funds	James D. Sloan, Jr.	Oct. 11	14
Court Personnel—State Health Insurance	D. L. Cockrell	Oct. 21	25
Assistant District Attorney— Compensation by County	John D. Whetstone	Oct. 21	Office of Prosecution Serv.
Circuit Clerks—Expenses—Opinion Withdrawn	Allen L. Tapley	Dec. 5	Court Mgt.
Special Assistant Attorney General—	James D. Evans	Dec. 20	53

Subject	Addressee	Date	File
City Recorder			
County may provide funds for juvenile court purposes—Judicial Article—	Pelham Ferrell	Oct. 27	13
Counties—Funds			
County Funds—Regional Juvenile Center—	William H. Lumpkin	Nov. 29	55
Courts			
City Recorder—Two Offices	John L. Knowles	Oct. 19	56
Clerk's Fee—Game and Fish Violations	William H. Lumpkin	Dec. 16	55
Recorder's Court not covered by Judicial Article—Costs and Fines—Judicial Article	Jackson W. Stokes	Oct. 17	316
Court cost not remitted by Mayor—			
Judicial Article—Fees—Peace Officers Fund	B. G. Bryant	Nov. 2	343
JUNIOR COLLEGES			
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JURY COMMISSIONS			
Juror Qualifications—Jury Commissions	J. Prichard Guinn	Oct. 31	80
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Juvenile Court—No City Funds	James D. Sloan, Jr.	Oct. 11	14
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Courts			

County may provide funds for juvenile court purposes—Judicial Article—Courts—Funds

Pelham Ferrell

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LABOR UNIONS

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Irvine C. Porter

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LAMAR COUNTY

Lamar County—Tax Collector/Assessor—Supernumerary Fund

Rita Smith

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Forestry Commission—Law Enforcement
Land Inspectors—Law Enforcement Officers
Subsistence Allowance—State Fire Marshals
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City Council member may serve on personnel board —Merit Systems—Conflicts of Interest—Municipalities

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C. W. Moody

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Bobby Tom Crowe

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Roy McLellan

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Judson C. Locke, Jr.

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J. Richmond Pearson

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Business Between Two Cities—Taxation	Percy W. Thrasher	Dec. 5	205
LONGEVITY			
Employees Retirement System— Longevity Pay	Aubrey M. Garrett	Nov. 15	93
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MACON COUNTY			
Solid Waste Disposal—Contract Extension	Fred D. Gray	Oct. 14	7
MARSHALL COUNTY			
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City of Montgomery—Parks and Recreation Department	Emory Folmar	Nov. 7	21
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Medical Equipment—Medicaid Recipients	Jack E. Worthington	Dec. 13	Medical Serv. Adm.
MEDICAL SERVICES ADMINISTRATION			
Per Diem Expenses—State Contractors	Jack E. Worthington	Oct. 11	Medical Serv. Adm.
Medical Equipment—Medicaid Recipients	Jack E. Worthington	Dec. 13	Medical Serv. Adm.
MERIT SYSTEMS			
Calhoun County—Salary Increase Approval	Walter J. Merrill	Nov. 2	30
Sick Leave Payments—No Social Security Tax	J. Ben Swindle	Dec. 21	Social Security
Leave Transfer—Merit System	George M. Phyfer	Oct. 19	Youth Serv. Dept.
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City of Montgomery—Parks and Recreation Department	Emory Folmar	Nov. 7	21
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Juvenile Court—No City Funds	James D. Sloan, Jr.	Oct. 11	14
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Oct. 21
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Housing Allowance—Teachers' Retirement	Woodfin Patterson	Oct. 25	36
Greene County—Prior Service Error—County Pays	William M. Branch	Nov. 4	12
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Employees Retirement System— Longevity Pay	Aubrey M. Garrett	Nov. 15	93
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Governor—Rewards	Curtis C. Reding	Dec. 29	Governor's Office
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City of Mobile—Salary Increase—Commissioners	James R. Raiford	Nov. 1	Finance Dept.
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Virgil Willett
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Surface Mining
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SYLACAUGA, CITY OF

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TANNEHILL STATE PARK

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James R. Bennett
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School Board of Trustees—Principal	Ben Jones	Dec. 29	94
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UNIFORM COMMERCIAL CODE			
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UTILITY BOARDS			
Water and Sewer Board—Franchises	Joe H. Little, Jr.	Oct. 4	193
Gasoline Fund—Not for Water Board	J. W. Donahoe	Nov. 9	38
Sewer Connection—City May Refuse	Bobby Day	Nov. 2	47

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Water Board—Loan of City Funds
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J. M. Druhan
M. C. Hollis, Jr.
B. Don Hale

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Mary L. Goodwin

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George M. Phyfer

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Youth Serv. Dept.

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